

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>IN RE:</b>	§	
	§	
<b>Selena D Cash,</b>	§	<b>Case No. 18-11043-TMD</b>
	§	
<b>Debtor</b>	§	<b>Chapter 7</b>

**Motion to Abandon Certain Litigation Claims**

**TO ALL PARTIES IN INTEREST:**

John Patrick Lowe, the Trustee in this case, makes and files this Motion, and in support of it respectfully represents to the Court as follows:

**1.**

Movant is the Trustee in this Chapter 7 case. The case was commenced on August 7, 2018 as a Chapter 7 proceeding and since that date has remained pending under that Chapter. This Motion is filed by right of 11 United States Code §§ 554 (a) and 704 and Federal Rule of Bankruptcy Procedure 6007.

**2.**

The Debtor passed away in August of 2019.

**3.**

The Trustee's final report before distribution was filed. Notice of the filing of that report was sent to all parties in interest. No objections to the final report before distribution were filed. The Court allowed the Trustee's compensation and expenses. All allowed creditor claims were paid a 100% distribution plus post-petition interest. The trustee made a surplus distribution of

\$4,419.58 to the Debtor's probate estate. All distribution checks have been negotiated. There's a zero balance in the trust account.

4.

Pending before the Court is a complaint filed by the Trustee and the probate estate of the Debtor in Adv. Pro. No. 19-1064 against an array of Defendants.

5.


The Trustee moves the abandonment of the claims made by the Trustee in the complaint in Adv. Pro. No. 19-1064. It is not necessary for the Trustee to make a recovery on those claims since all allowed creditor claims have been paid in full with interest. And all allowed expenses of administration have been paid. The Trustee makes this request because of the circumstances of the case and not because of the merits of the litigation claims. The Trustee believes that the claims made in that complaint have merit. But there's no need for the Trustee, rather than the Debtor's probate estate, to achieve a recovery for those claims.

6.

The authority for this request is 11 United States Code Section 554 (a).

WHEREFORE, premises considered, the Trustee requests that the Court enter an Order granting this Motion, and for such other and further relief, at law or in equity, as to which he may be justly entitled.

DATED: November 7, 2019.



Respectfully submitted,

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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing Motion to Abandon Certain Litigation Claims, and the proposed Order, have been served on the parties on the attached Service List, by the CM/ECF system; by First Class mail, postage prepaid; or by electronic mail within 2 days of the electronic filing of this Motion on this the 7th day of November 2019.



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Patrick Lowe